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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/873,339	06/05/2001	Timothy P. Barber	01,204	4133

7590 06/26/2006

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EXAMINER

SHINGLES, KRISTIE D

ART UNIT	PAPER NUMBER
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2141

DATE MAILED: 06/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/873,339	BARBER, TIMOTHY P.
	Examiner Kristie Shingles	Art Unit 2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 19 April 2006.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-26 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-26 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____ .

DETAILED ACTION

Response to Amendment

Claims 1, 15, 21-23 and 25 have been amended.

Claims 1-26 are pending.

Response to Arguments

1. Applicant's arguments filed 4/19/2006 have been fully considered but they are not persuasive.

A. Regarding Claims 1-26: Applicant argues that the cited portions (paragraphs 0075, 0076, 0133, 0139 and 0165) of the continuation-in-part reference of record, *David* (US 2002/0073046), fail to suffice as prior art because of their lack of support in parent US Patent Application 09/500,601.

A.1. Examiner respectfully disagrees. Examiner has reviewed the parent US application, 09/500,601, and finds support in its disclosure for the relied upon paragraphs of *David* used to reject the claimed limitations. Therefore in accordance with 35 USC 112 first paragraph, the cited disclosure of *David* does receive the priority date (February 8, 2000) of the parent US application and consequently qualifies as prior art. Applicant's arguments are therefore non-persuasive and the rejection under *David* is maintained. For further information, Applicant is directed to MPEP chapter 103 item (v), for further instruction in this matter.

Claim Objections

2. Regarding Claim 1: the typographical correction in the claim language is accepted by the Office. The objection is hereby withdrawn.

35 USC § 112, second paragraph

3. **Regarding Claims 1-6, 15, 21-23 and 25:** the claim language corrections are accepted by the Office. The rejections under 35 U.S.C. 112, second paragraph, are hereby withdrawn.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. **Claims 1-26** are rejected under 35 U.S.C. 102(e) as being anticipated by *David* (US 2002/0073046).

a. **Per claim 1,** *David* teaches a process for collecting machine identifying information associated with a digital online access device used for accessing a host computer system over a digital network, said host computer system generating an interaction record of an access therewith by said access device, and said process comprising:

- (a) capturing a machine fingerprint that identifies said access device accessing said host computer system wherein said machine fingerprint comprises a hashed attribute string that is a concatenation of attributes associated with said access device (Abstract and paragraphs 0027, 0049, 0075, 0076, 0083, 0165; provision for machine fingerprint identification and hashed attribute string);
- (b) generating a interaction identification string upon said access device accessing said host computer system (paragraphs 0064, 0076);

- (c) associating said interaction identification string with said machine fingerprint (paragraphs 0075, 0076, 0133, 0139, 0165); and
- (d) associating said interaction identification string with said interaction record generated upon said access device accessing said host computer system (paragraphs 0064, 0112, 0129, 0133-0139, 0148; associating transaction identifier, machine identifier and transaction record for attaining access).

b. **Claims 7, 16 and 24** contain limitations that are substantially equivalent to claim 1 and are therefore rejected under the same basis.

c. **Per claim 2,** *David* teaches the process as set forth in claim 1 further comprising:
(a) capturing a digital address of said access device on said digital network (paragraphs 0023, 0026, 0028).

d. **Claim 8** is substantially equivalent to claim 2 and is therefore rejected under the same basis.

e. **Per claim 3,** *David* teaches the process as set forth in claim 1 wherein said hashed attribute string comprises: (a) a configuration setting of said access device (paragraphs 0076, 0114-0118, 0129).

f. **Claims 9 and 18** are substantially equivalent to claim 3 and are therefore rejected under the same basis.

g. **Per claim 4,** *David* teaches the process as set forth in claim 1 further comprising:
(a) communicating a self-identification routine to said access device upon said access device accessing said host computer system (paragraphs 0076, 0114, 0115); (b) said access device executing said self-identification routine (paragraphs 0076, 0114, 0129); (c) said self-identification routine querying a configuration setting of said access device to derive said

machine fingerprint (paragraphs 0076, 0114-0118); and (d) said self-identification routine communicating said machine fingerprint to a remote location for association with said interaction identification string (paragraphs 0076, 0118, 0133).

h. **Claims 12 and 14** are substantially equivalent to claim 4 and are therefore rejected under the same basis.

i. **Per claim 5,** *David* teaches the process as set forth in claim 1 further comprising:
(a) said host system operating a host web site including an interaction page generated by interaction page code processed by said access device upon accessing said host web site (paragraphs 0023, 0133-0139); and (b) coding, within said interaction page code, a self-identification routine which causes said access device to communicate said machine fingerprint when said access device processes said interaction page code (paragraphs 0139-0144).

j. **Per claim 6,** *David* teaches the process as set forth in claim 3 further comprising:
(a) coding said self-identification routine in such a manner that said machine fingerprint and said interaction identification string are communicated to a third party web site at which said machine fingerprint and said interaction identification string are stored (paragraphs 0022-0024, 0027, 0028, 0049, 0061, 0070-0076, 0133-0139, 0165).

k. **Claims 10, 11 and 13** are substantially equivalent to claim 6 and are therefore rejected under the same basis.

l. **Per claim 15,** *David* teaches the process as set forth in claim 12 wherein said customer computer accesses said merchant web site by way of a proxy, and said communication step further comprises: (a) communicating said machine fingerprint and said transaction

identification string to said remote location using a protocol which bypasses said proxy (paragraphs 0028, 0061, 0069, 0076, 0088, 0105, 0111, 0139).

m. **Claims 21 and 25** are substantially similar to claim 15 and are therefore rejected under the same basis.

n. **Per claim 17,** *David* teaches the process as set forth in claim 16 further comprising: (a) said script causing said computer browser to communicate said machine fingerprint and said transaction identification string along with a conventional hypertext transfer protocol (HTTP) header (paragraphs 0027, 0064, 0109-0111, 0165); and (b) said archiver service additionally storing said HTTP header in association with said machine data profile (paragraphs 0063, 0075, 0129, 0144, 0148, 0149).

o. **Per claim 19,** *David* teaches the process as set forth in claim 16 further comprising: (a) said script querying said customer browser for a plurality of configuration settings (paragraphs 0076, 0084, 0091); (b) said script forming an attribute string from said plurality of configuration settings (paragraphs 0075, 0076); and (c) said script processing said attribute string to form said machine fingerprint of said customer computer (paragraphs 0049, 0076, 0114-0118, 0129).

p. **Per claim 20,** *David* teaches the process as set forth in claim 19 further comprising: (a) said script performing a hashing function on said attribute string to form said machine fingerprint (paragraphs 0076, 0112, 0165).

q. **Per claim 22,** *David* teaches the process as set forth in claim 16 further comprising: (a) said script communicating said machine data profile to said archiver web site using a protocol other than HTTP (paragraph 0111).

r. **Claim 26** is substantially similar to claim 22 and is therefore rejected under the same basis.

s. **Per claim 23,** *David* teaches the process as set forth in claim 16 wherein said customer computer comprises a digital clock, and further comprising: (a) said script causing said customer browser to query said clock for a time value (paragraphs 0066, 0130, 0139, 0144, 0146); and (b) said script causing said customer browser to send said time value to said archiver web site along with said machine identifier (paragraphs 0066, 0112, 0139, 0144).

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: *Mi et al* (USPN 6,523,067), *Rabin et al* (USPN 6,697,948), *Rieth et al* (USPN 6,134,597).

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Art Unit: 2141

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristie Shingles whose telephone number is 571-272-3888. The examiner can normally be reached on Monday-Friday 8:30-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kristie Shingles
Examiner
Art Unit 2141

kds



RUPAL DHARIA
SUPERVISORY PATENT EXAMINER